

REMARKS

In the Office action mailed November 16, 2004, claims 22-30 were rejected under 35 U.S.C. 103(a) based on Kemp et al. (US 2001/0047251) and Isherwood et al. (US 5918219).

Applicant thanks the Examiner for granting a telephone interview in January of 2005, and hereby amends claims 22, 25, and 27-30 consistent with the Examiner's suggestions in the interview, to include limitations that the claimed profile is generated post-CAD, and is generated by a CAD-independent profiling engine. Accordingly, applicant believes that claims 22-30 are now allowable, and offers the following remarks in support of allowability. Should the Examiner believe there is any specific language that would make the claims allowable, he is respectfully requested to fax (949-666-5282) the undersigned propose applicant with suggestions for such distinguishing claim amendments.

As discussed with the Examiner by way of a telephone interview in January of 2005, the key point made by the applicant was that the process described in the applicant's specification takes place entirely independent of a CAD application, and we have included claim limitations to this effect.

The claimed structural profile is generated independent of CAD. This can only happen after a plan set of a building has been designed in a CAD system (post-CAD), and received into the CAD-independent Interactive Profiling System [Specification – Pg. 4, 2nd para. “The profile system...]. Our invention produces a complete stand-alone structural profile based on the elemental data represented in a plan set, but it does this independent of a CAD application, which creates the native CAD file.

The generated post-CAD profile of the present invention is initiated upon the submittal of a plan set to the CAD-independent interactive profile system. The plan set is usually in CAD format, comprising of an elemental physical description (e.g. line work, component descriptions, tag attributes, and labels) originally present in the submitted plan set [Specification – Pg. 15, 2nd para. “A primary function...”]. In contrast, Kemp is a CAD system, which depends on a server-side design engine (CAD server) to build a 3D model from parametric objects, see Kemp para. [0048]. Kemp’s invention does not teach or provide a mechanism to build a post-CAD profile from an elemental description as described in a plan set. Our invention builds the enhanced post-CAD profile of interrelated components from an elemental description [Specification – Pg. 15, 3rd para. “The potential links...; Pg. 20, 2nd para. “Timberline and Conac...”]. Our specification teaches that the fundamental plan set must be expanded and developed if a true, building profile is to be realized. The profiling engine performs a systematic enhancement of the plan set, building upon the elemental physical descriptions within the plan set. Each element of the physical description is functionally analyzed for relational attributes and then expanded. Links are created within the profile data set, between related components as described in the summary of the invention [Specification – Pg. 4-6, Summary of Invention].

The structural profile described in our patent [Specification – Pg. 37, 1st para. “The profiling engine...”] offers a complete component breakdown by way of a unique identifier, of all the elements that make up a structure. Fig. 1, shows how CAD data can be imported by the Interactive Profile System (10), standardized (60), parsed (80), enhanced (90), and stored (40) for post-CAD processing by way of the application engine (20). Our structural

profile requires a plan set (50). A plan set is created in a CAD application. Only after this step is our post-CAD profile created and modified independent of CAD by a user Fig. 1, (25, 175, 125). In other words, no CAD application is required to make perpetual modifications after our post-CAD profile is created Fig. 1, (120). Modifications can be made over the Internet using a Build-to-Order Application, Fig. 1, (175). Kemp is a CAD application supported over a network. Kemp's method is a CAD-centric design system for building 3D models and 2D plans. This has no relationship to our CAD-independent, post-CAD profile generating system. The core value proposition of our invention is to extend the access and use of structural information beyond the confines of a CAD-centric solution to enable virtual access and interaction without the need of a CAD application [Specification – Pg. 8, 3rd para. “The generation of...; Pg. 14, 2nd para. “A preferred format...”]. We clearly teach that a CAD plan set is received into the CAD-independent interactive profiling system. The plan set may be a post-CAD data file [Specification – Pg. 9, 2nd para. “The plan set...; Pg. 13, 1st para. “It is possible...; Pg. 17, 1st para. “The enhanced profile...”].

Kemp uses design-time scripts and CAD functions to build 3D models [0061]; it clearly states that in the abstract and throughout the specification. In contrast, we are building a post-CAD profile that extracts physical dimensions, and attributes of the building and develops the building into the plurality of interrelated components [Specification – Pg. 15, 3rd para. “The potential links...”]. A fundamental difference is that our structural profile is an enhanced form of a post-design CAD file output (e.g. .DXF, DWG, DGN, etc.) [Specification – Pg. 14, 2nd para. “A preferred format...”]. Our profile will allow users to access structural information without the need of a CAD system; it is not the same as

Kemp's 3D CAD system. Our product is able to profile a structure independent of CAD. Kemp can only create and profile a structure within the CAD system. Designing a 3D model and generating a post-CAD profile independent of CAD are two very different processes.

Perpetual, post-CAD structural profiling achieved through CAD-independence would not have been obvious to Kemp, because Kemp's invention facilitates the creation of 3D models through design-time functions exclusive to a CAD system, Kemp does not profile plan sets for interactive post-CAD services. We require the submission of post-designed CAD data (plan sets), and Kemp does not. Kemp does not enable a 3D model to exist independent from a CAD-centric framework. Our information is defined and distributed through a CAD-independent XML schema [Specification – Pg. 13, 2nd para. “The preferred mechanism...”].

The question is simple, how does Kemp profile post-CAD data that was not originally created within their CAD system? Do they even teach this? The answer is no. There would be no value in redesigning an entire structure from scratch, to merely build a post-CAD profile as described herein. That is why our invention is not a CAD-centric solution. Our novel invention allows any post-design plan set to be profiled independent of the CAD system which was used to create it. Kemp and Isherwood combined do not achieve this.

As for Isherwood, the Examiner relies on combining Kemp and Isherwood to argue obviousness. If Kemp is not factored in, for the reasons stated above, or even if it is, combining the two would still not teach perpetual, post-CAD profiling and estimating of a

structure independent of CAD. Isherwood simply teaches the ability to build an estimate based on Historical Data Blocks. Our estimate is based of the specifications and products extracted and defined through a post-CAD generated profile, we do not use or rely on Historical Data Blocks. Isherwood does not teach the building of an estimate from a post-CAD structural profile.

Combining a CAD system with a disparate estimation system (Kemp and Isherwood) based on Historical Data Blocks, could not produce a post-CAD structural profile independent of CAD. Our novel approach is to create a CAD-independent service, for perpetual profiling predicated on a post-CAD profile, which is self-directed by any relevant constituent engaged in pre- or post-construction decision-making.

Detailed Responses to Examiners Arguments in the Office Action

a) At page 7, 3rd para, claims 22-30, applicant argues "neither Kemp nor Isherwood teach a method for generating a self-directed structural profile from a plan set representing a physical description of a building (post-designed) at a given point in time.

As to the above argument [a], as best understood by the examiner, Kemp specifically directed to user friendly, interactively designing, generating computer aided designs that specifically meets the requirement of structural objects [profile] from a plan that describes for example walls, floors, roofs, windows, doors and like [see Abstract, and background of the Kemp's invention at page 1, col 1, 0005], at minimum, Kemp specifically teaches generating self-directed interactively designing profiles

Kemp is building a 3D model entirely within a CAD system. As stated in the remarks, we are not a CAD system. Post-CAD profiles are created independent of CAD. CAD is critical for designing 3D and 2D plan sets. A post-CAD profile is predicated on a post-designed plan set.

b) At page 7, 3rd para, claims 22-30, applicant argues "Although Kemp mentions that information can be stored permanently [0155], it is still entirely concerned with the original design phase of a project, and in no way operates as a stand-alone, self-directed interactive profile that reflects the additions and modifications to a structure throughout its lifespan'

As to the above argument [b] examiner disagree with the applicant because as explained above Kemp specifically teaches user friendly, interactively designing, generating

building profile, at the same time Kemp also specifically suggests user has the ability to change or modify model design criteria either global basis or locally and the model will change to suit user's requirement [see page 3, 0038], further Kemp also suggests for example if there is any problem or conflict, Kemp system is capable of as for suggestion or solution or resolution from the user [see page 3, 0038]. It is also noted that Kemp specifically teaches edit, review tool functions that including either add, modify or change or replace [see page 6, 0136], therefore, Kemp teaches stand-alone, self directed interactive profile that is capable of modifications and additions.

Examiner has respectfully misunderstood the argument. In para. [0038], Kemp is talking about the Design Expert allowing the user to explore and modify a 3D data model through a networked CAD system. How does Kemp explore this 3D data model without the use of the Design Expert (CAD system)? It can't. In contrast, we process plan sets and convert them into a post-CAD, self-directed interactive XML-based profile for perpetual modifications. Our invention does not rely on a CAD-centric method to sustain future interactive sessions, Fig. 1, (120). Our output is entirely defined and accessed as an XML profile [Specification – Pg. 13, 2nd para. “The preferred mechanism...”].

Kemp automates conversion of 2D data from 3D models paragraphs [0020, 0036, 0037]. However, Kemp does not profile a plan set independent of CAD for building a 3D model. In contrast, our invention requires a plan set, to create a post-CAD structural profile. Kemp uses a CAD-centric method to build a 3D model [0050, 0138], one byproduct of that is 2D data [0038 - 2D projections]. Our invention is addressing a completely different issue. We solve the dilemma of converting CAD-dependent data (plan sets), into a post-CAD

profile, independent of CAD, that may be perpetually revised, Fig 1, (120).

Applicant respectfully asks the Examiner to take a closer look at the context of [0136], this is not referring to 2D data. It only explains that edit functions can happen at design-time or after a design session. This is not the same as perpetually modifying a CAD-independent profile. Kemp does not teach a post-CAD profile that is capable of being perpetually modified outside his CAD system, see Kemp para. [0046]. Without live access to the CAD system, Kemp's 3D data model cannot be used. It is not a stand-alone model. However, our CAD-independent, self-directed XML-based profile [Specification – Pg. 32, 2nd para. “Based upon inputs...”] is truly CAD-independent. Kemp is a CAD-centric model and we are a CAD-independent profiling service.

c) At page 8, 1st para, claims 22-30, applicant argues, “Isherwood relies on static information that may or may not be manually updated from time-to-time. Isherwood falls short of the concept of a dynamic profiling engine, interfaced with material service and product databases that serves as an ongoing living information framework for a structure...

As to the above argument [c], Isherwood specifically suggests user interface where user can select manually update from time to time [see col 8, line 13-15], further Isherwood specifically teaches keeping updated correct activity sequence of every project for example a house may or may not have specific item such as pool or basement, these differences are handled, corrected, linked [see col 8, line 42-45] that corresponds to dynamic profiling, also it is noted that Isherwood suggests user is prompted to update information, if there is no reasonable answer or solution found in the dynamic profiling [see col 8, line 42-47].

The issue is not that the data can be updated from time-to-time, but rather how is the estimation generated. Isherwood's process for building an accurate estimate is fundamentally different from our CAD-independent profiling service. Our invention uses the post-CAD profile of the building to generate a preliminary estimate; we do not use Historical Data Blocks. Furthermore, our post-CAD profile is not just for a singular estimating purpose in direct relation to the components shown on the CAD drawing, but also for any profile query as based on the enhanced profile database [Specification – Pg. 20, 2nd para. "Timberline and Conac..."].

d) At page 8-9, claims 22-30, applicant argues, 'Kemp contrasts his invention [0005] with conventional CAD use. Kemp's invention is more concerned with aiding in the design process by generating a 3D model, rather than the conventional use of lines, arcs, and circles used to describe walls, floors, roofs, windows, doors, etc. The latter according to Kemp does not directly aid in the design process but can only automate the drafting process.

As to the above argument [d], as best understood by the examiner, Kemp specifically discusses architectural, engineering, interior design problems, limitations of related prior art in the background of the invention [see 0005] that including conventional use of lines, arcs, circles and like. It is however, noted that Kemp providing improvement over the existing prior art for example interactively designing there dimensional architectural, engineering, and interior models [see 00161, therefore, Kemp teaches aide design process.

Kemp discuss the current use of CAD in para. [0005], but his invention clearly does not, build on this type of input, see Kemp para. [0048]. Kemp teaches the need for a specific module to convert 3D models to 2D production drawings or construction drawings

[0020]. Kemp is not using elemental 2D data to design or profile a building. Kemp is building 3D models within CAD. Kemp is focused on building design [0005] not post-CAD profiling. Kemp's system cannot generate a post-CAD profile from an elemental plan set independent of CAD.

e) At page 9, 2nd Para, claims 22-30, applicant argues, "Kemp only discusses 2D dimensional CAD projections as a byproduct, they do not precede the design of a 3D model"

As to the above argument [e], examiner disagree with the applicant because firstly, Kemp specifically teaches CAD system for interactively designing three dimensional models as detailed in page 2, 0034, page 4, 0046 secondly, it is noted that applicant at page 8, last paragraph, admits that "Kemp invention is more concerned with aiding in the design process by generating a 3D model". Further, it is noted that Kemp suggests converting 3-D model into 2-D production drawings or construction documents [see page 3, 0039].

The Examiner has respectfully misunderstood the argument. Kemp clearly describes his invention to be a CAD system for interactively designing 3D models, see Kemp para. [0034]. Kemp then goes on to explain in [0035, 0142] how this takes place. Kemp does not teach the profiling of an elemental plan set to generate a 3D model or profile independent of CAD, see Kemp para. [0061]. Kemp only states that the Design Expert can produce intelligent 2D and 3D models within the CAD system, see Kemp para. [0139]. Kemp is a CAD system, but it is not operating as a conventional CAD application. It relies on verbal descriptions and design criteria, and design examples, see Kemp para. [0061-0086, 0088].

The Design Expert does not create a structural profile from an elemental plan set. In [0046, 0048] it stresses yet again that the CAD system/software is used to interactively, create a 3D model. It also says that the user must obtain a CAD user account, which authorizes the user to repeatedly, obtain access to the CAD system server. With out live access to the CAD system, the 3D data model cannot be used, but our post-CAD, self-directed extensible markup language (XML) profile of the building is not limited to a CAD session as is the case with Kemp. Kemp is a CAD-centric model and we are a CAD-independent, post-CAD profiling service.

As stated previously, Kemp can only produce 2D data after a 3D data model is created, see Kemp para. [0017 (3), 0019, 0038]. Kemp's 2D data is not the same as the Applicant's enhanced profile [Specification – Pg. 15, 2nd para. "A primary function..."]. Applicant's invention uses 2D plan sets, such as that produced by Kemp, to build an enhanced post-CAD profile. Kemp does not profile 2D plan sets for generating 3D models independent of CAD. The first required module in Kemp's Design Expert creates a 3D model [0018]. Only after this step is it possible to generate 2D data. The 3D model precedes any potential 2D data. This is not the same as generating a post-CAD profile independent of CAD predicated on elemental 2D plan sets.

f) At page 9, 2nd para, claims 22-30, applicant argues, 'we process 2D post-design plan sets. Kemp is essentially replacing the architect, while we use a plan set as input whether it comes from Kemp, an architect or another source".

As to the above argument, examiner disagree with the applicant because firstly,

Kemp specific teaching including 2D dimensional [page 3, 0039], and 3D architectural, engineering and interior design model [see page 2, 0034, page 4, 0046], and it is noted that applicant also does 2D design plan sets [page 9, 2nd para]. Also, it is noted that Kemp does not replacing the architect because, Kemp system specifically teaches user interaction required to build architectural, engineering, and interior design models using CAD whether it is post-design, pre/post-construction design [see page 3, 0035], therefore, Kemp not only teaches 2D design, 3D design related to architectural, engineering, and interior, but also teaches greater flexibility for example edit tool functions [see page 6 0136] for further or future or pre/post construction modifications.

As best understood by the examiner, Kemp is still required licensed architect to approve construction documents because these construction documents may be used legal documents for project construction, contractor bidding, project construction assembly and like [see page 6, 0137], therefore, Kemp does not replace architect.

Approving documents and designing a building without CAD experience is not the same [0036]. Kemp is clearly replacing the traditional role of the architect with respect to establishing the initial design parameters. Kemp says that the Design Expert was created to help the designer [0035] build a 3D model using a user-friendly Q and A sequence. The designer may not be an architect. We require post-designed plan sets as a prerequisite. Post-designed plan data assumes an architect has already participated. After profiling the plan set, our invention allows any user to interact with the post-CAD profile. This can happen at any point in time, pre- or post-construction. Kemp is talking about 3D component modeling [0003], not post-CAD interaction.

g) At page 10, 1st Para, claims 22-30, applicant argues, "Kemp is not referring to a plan set representing a physical description of a building. Kemp is simply providing background information.

As to the above argument [g], examiner disagree with the applicant because Kemp specifically suggested architecture and all engineering drawings including especially sections, elevations, proposed construction details for floor plans and like [see page 3, 0039], also examiner agree with the applicant that Kemp also provides basic physical description of a building in the background information, therefore, is well known in the art.

Kemp teaches that the third module of the CAD system can produce 2D production drawings or construction documents. Please make note that once again, the 2D is derived from the 3D model. Kemp is not building a post-CAD profile from 2D drawings. He is not extracting all the components and assemblies mentioned in section [0049] to build a post-CAD profile. Kemp is only able to produce 2D collateral from 3D. Kemp is simply describing both unique an common components which are associated with the function of a building. He describes at length the different components and assemblies that are apart of a structure. This portion of the specification is provided as background. Kemp is not extracting all the information in [0049] from an elemental physical description. Furthermore, Kemp is providing background of different assemblies as they relate to specific industry disciplines. Kemp is merely equating that his CAD system makes similar distinctions. The end of [0048] sets the context by saying that 3D model components can be individual components or grouped assemblies of many components.

h) At page 10, 3rd para, claims 22-30, applicant argues "Kemp is designing a building, not generating an interactive structural profile from an existing plan set. Kemp's method radically differs from ours, requiring the user to literally build a structure component by component.

At page 14, 2nd para, applicant argues that "this feature is clearly intended to support the overall design process. This feature on its own cannot produce an interactive structural profile.

As to the above arguments [h], examiner agrees with the applicant that Kemp is designing building, it is further noted that Kemp is also suggested in the background of the invention process of architectural, engineering, and interior design [see 0005]. Also, as discussed above, Kemp specifically teaches interactively designing three dimensional models for architectural, engineering and interior models that requires to construction details for floor plans, sections and elevations and like that corresponds to build component by component as detailed in page 2, 0020.

Applicant's argument has been respectfully misunderstood. Applicant is only noting that Kemp cannot generate and interactive profile independent of CAD. When applicant referrs to a plan set, applicant is thinking post-design. Kemp is not a CAD-independent profiling system. Kemp is a CAD system and the Applicant's invention is not.

i) At page 10, 4th para, page 11, 1st para, claims 22-30, applicant argues "Kemp's third module provides the ability to convert the 3D model into 2D production drawings or construction documents [0017, 0019, 0038]. The 2D drawings do not precede the 3D mode,

they are a product of the 3D model. Our invention is the reverse of this.

As to the above argument [i], Kemp specifically teaches CAD system especially design expert including three modules i) 3-D model creation ii) 3-D and 2-D model review and editing and iii) 3-D model conversion to 2-D finished drawings [see 0017]. As best understood by the examiner, Kemp suggested modules provides greater flexibility to suite to the user needs, because Kemp suggested 3-D and 2-D and converting 3-D to 2-D models. It is however, not clear what applicant's invention or process is reverse of Kemp.

Our invention uses the elemental physical description of a building by way of a post-design plan set [Specification – Pg. 9, 2nd para. “The plan set...”]. Kemp builds a 3D model by way of a CAD system. He does not use a CAD-independent profile-generating engine to create a 3D model or a post-CAD profile.

Kemp never teaches the reverse [see examiner's comments in (j)]. Our specification mentions that it might be possible for the enhanced profiling engine to generate 3D components [Specification – Pg. 18, 3rd, para. “For future development...; Pg. 39, 3rd para. “Visualization...”]. However, unlike Kemp, we would not have to design a 3D model in CAD to achieve this.

j) At page 11, 1st para, claims 22-30, 3rd para, applicant argues that “we are generating an interactive structural profile of a building that may be viewed two dimensionally, three dimensional or in data only form...

As to the above argument [j], examiner disagree with the applicant because Kemp specifically suggested interactively designing not only three dimensional models, but also

converting three dimensional models into 2-D models [see 0017, 0034], therefore, generating an interactive structural profile in two dimensional model is integral part of Kemp's teaching.

The Examiner has interpreted the invention herein to be a CAD system. Applicant has already discussed at length that the invention herein is not a CAD system. Kemp does not and cannot convert a post-CAD profile into a 3D model. However, the Applicant's invention can [Specification – Pg. 18, 3rd para. ‘For future development...; Pg. 39, 3rd para. ‘Visualization...].

k) At page 11, last para, page 12, 1st para, claims 22-30, Kemp does not discuss any interactive use after the structure has been fully designed and built.

As to the above argument, examiner disagree with the applicant because Kemp specifically teaches user interactively either add, modify or change or replace [see page 6, 0136] to the structure that has been fully designed and built whether it is pre-construction, post-construction, or pre/post-construction.

Applicant is referring to interactive use apart from a CAD system. Kemp requires the user to login to the CAD system for interaction. By way of the post-CAD application engine Fig. 1, (20) applicant's invention provides CAD-independent interaction predicated on the post-CAD profile [Specification – Pg. 45, 1st para. ‘An e-commerce...; Pg. 46, 1st para. ‘The AEC industry...].

l) At page 12, 2nd para, claims 22-30, applicant argues that ‘Kemp and Isherwood

deal with construction, however, combining their collective processes does not address the objective of our invention...

In response to applicant's argument [l] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kemp is directed to designing three dimensional models, more specifically interactively designing three dimensional models for architectural, engineering, and interior [see Abstract. Page 1, 0016], while Isherwood is directed to estimating construction projects costs, schedules, more specifically flow of project that including schedules, collection of information or records, estimation and costs [see Abstract, col 4, line 35-51], and they both are directed to project design and management and are same field of endeavor. One of the ordinary skill in the art at the time of applicant's invention would have been motivated to combine the references, more specifically modifying Kemp's fig 4 to incorporate the project estimation related components of Isherwood's fig 4 because that would have allowed users of Kemp to control total project value within the defined time and budget, bringing the advantages of cost and time saving as suggested by Isherwood [see col 4, line 1-8], thus improving overall efficiency of the system.

Applicant is simply pointing out that Kemp and Isherwood do not address CAD-

independent profiling in any context. They do not process post-CAD profiles for cross-industry use.

m) At page 12, last para, claims 22-30, applicant argues, "Isherwood cannot automate the Block selection based on a post-design plan set.

As to the argument [m], as best understood by the examiner, Isherwood teaches reliable and automated estimating techniques that may capturing specific independent blocks of data that is associated with par(s) of task [see col 4, line 12-15], tasks may be either post-design plan or pre-construction plan or pre/post-construction plan, further these data blocks capture specific details as detailed in fig 2, 205.

Isherwood's method of estimating a preliminary cost is fundamentally different. Our estimates are generated from a post-CAD profile. We are not claiming the same method or process as Isherwood. Isherwood does not connect multiple databases to a CAD-independent application engine for an automated estimate [Specification – Pg. 16, 2nd para. "The calculated generic..."].

n) At page 13, claim 24, applicant argues "Kemp does not articulate or describe how the codes interrelate with the 3D objects or if it is for reference only"

As to the above argument [n], as best understood by the examiner, Kemp specifically suggests various applicable building, manufacturing, construction industry codes [page 7, 0143], further Kemp also suggests these applicable updated appropriate codes are always available from DEX server connected to the network as detailed in fig 2 because network or

internet are connected to the various manufacturer servers, code servers as detailed in fig 2, element 34, 38, therefore, Kemp does suggest using updated applicable codes.

Kemp discusses building codes, but he does not describe how they implemented.

How does Kemp do it? Kemp cannot reference the codes apart from the DEX server. Thus, Kemp requires the 3D model to remain in the CAD system for cross-reference and augmentation. Applicant's invention is interrelating construction processes, including building codes independent of CAD [Specification – Pg. 23, 1st para. "Since regionalization...; Pg. 40, 1st para. "The interactive profile..."].

o) At page 13, claim 25, applicant argues "Kemp does not verify if the furnishings are in any way compatible with a given structural profile".

As to the above argument [0], as best understood by the examiner, Kemp teaches interactively designing architectural projects that including interior projects furnishings compatible with given a structural profile [page 4, 0049, fig 6B, element 106].

Kemp does not interact with furnishings independent of CAD by way of a post-CAD profile.

p) At page 13, claim 26, applicant argues "this preliminary estimate is not based on historical data blocks as taught by Isherwood. It would be impossible to obtain a dynamic estimate based on Isherwoods..."

As to the above argument [p], as best understood by the examiner, Isherwood specifically teaches estimation process using master template that including various items

such as site work, utility connections, foundation, floor framing and like [see col 5, line 1-5], if some or any specific element changed, estimator is automatically prompted to update template [see col 5, line 12-17], thereby estimator dynamically updates information.

Isherwood is relying on a very different process to perform estimates. Their system was intended to replace traditional methods of estimating (manual methods) because estimators often lack the intimate detailed knowledge and definite records to quickly, simply, and accurately derive the duration times coupled to materials. This art is mismatched and has no bearing on the art herein. Duration times are useful for project management. We are not making such a claim. We are simply claiming a preliminary estimate based on a post-CAD profile.

q) At page 13, claim 27, applicant argues that "Isherwood is limited by templates and historical data blocks, thus this method of appropriating materials would not support perpetual dynamic profiling.

As to the above argument [q], as best understood by the examiner, Isherwood specifically teaches estimation process accurately because each time there is additional information available related to specific project, Isherwood captures, updates template as detailed in col 5, line 12-17.

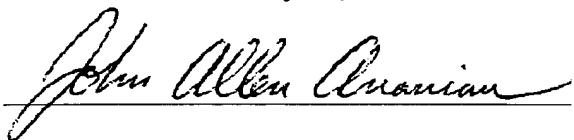
It is not clear as to how Isherwood would be able to provide a preliminary estimate by using a plan set. Isherwood's method does not interface with CAD data. The concept of CAD, or even post-CAD profiles are never mentioned in Isherwood's specification. Combining Kemp and Isherwood would not produce a post-CAD profile. Furthermore, our

post-CAD profile is not just for a singular estimating purpose in direct relation to the components shown on the CAD drawing, but also for any profile query as based on the enhanced profile database [Specification – Pg. 20, 2nd para. “Timberline and Conac...”].

The above amendments and remarks are believed to address fully the Examiner's rejections, and place the application in condition for allowance. The applicant believes claims 22-30 are allowable as amended. A prompt indication of the same is respectfully requested. The Examiner is encouraged to fax the undersigned at +1 (949) 666-5282 to arrange a telephonic interview to resolve any issues preventing allowance.

CERTIFICATE OF MAILING

I hereby certify that this correspondence was faxed to: (703 872-9306) Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313, on February 14, 2005.



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Date of Signature: February 14, 2005

Respectfully submitted,
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